



Enforcement



Purpose of Enforcement

- Evaluate Safety Significance
- Formulate Agency Response
- Emphasize Good Performance and Compliance
- Provide Incentives for Improvement
- Provide Public Notice



Enforcement Goals

- Complement the Assessment Process - Not Drive it.
- Be More Risk Informed.
- Emphasize Compliance
- Reduce Unnecessary Regulatory Burden
- Be Effective and Efficient
- Consistent Integrated Approach



Two Track Approach

- Track 1: Violations Covered by SDP
- Track 2: Violations Involving
 - Willfulness, including discrimination
 - Actions that may impact NRC's oversight ability
 - Actual consequences
- Significant Actual Dose, Event, or Release Consequences may warrant civil penalty.



Violations Covered by SDP

- SDP to categorize significance of violations.
- Notice of Violations for safety/risk significant (white, yellow, or red) findings.
- Use Non Cited Violations for less significant (green) violations.
- Assessment Matrix Formulates Agency Response. Normally, Civil Penalties would not be used.

Note: The Commission reserves the discretion for particularly significant violations to assess civil penalties in accordance with Section 234 of the Atomic Energy Act of 1954, as amended.



Violations Not Covered by SDP and Those with Actual Consequences

- Violations Not Covered by SDP
 - Violations Involving Willfulness and Discrimination
 - Violations Which Impact Ability for Oversight (50.9, 50.72, 50.73)
- Actual Consequences - Exposures, Releases, Reporting during EP and Transportation Events
- Severity Levels assigned and Civil Penalties may be used.



Action Matrix

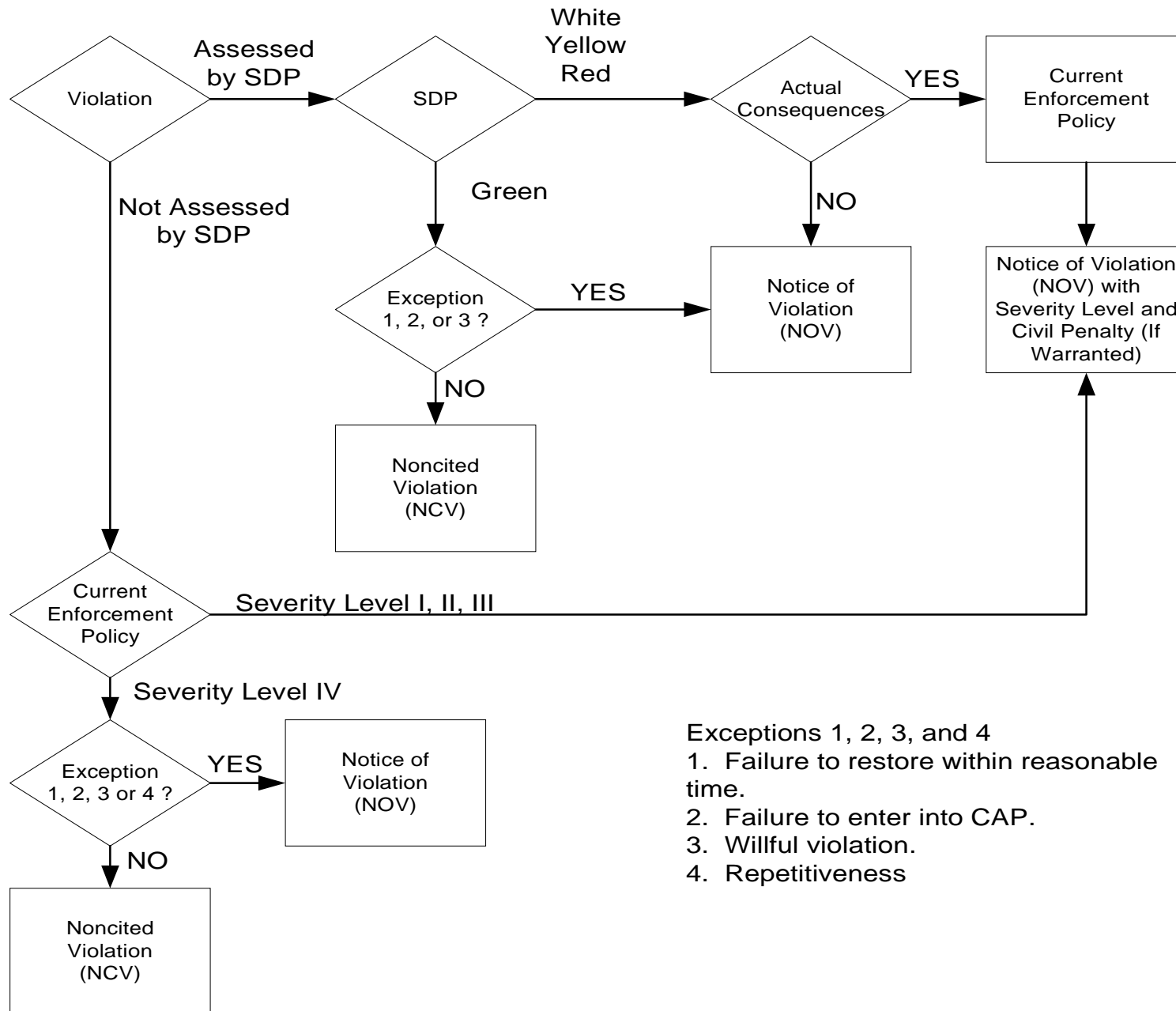
		Licensee Response Column	Regulatory Response Column	Degraded Cornerstone Column	Multiple Repetitive Degraded Cornerstone Column	Unacceptable Performance Column
Results		All assessment inputs (performance Indicators (PI) and inspection findings) Green; cornerstone objectives fully met	One or two White inputs (in different cornerstones) in a strategic performance area; Cornerstone objectives fully met	One degraded cornerstone (2 White inputs or 1 Yellow input) or any 3 White inputs in a strategic performance area; cornerstone objectives met with minimal reduction in safety margin	Repetitive degraded cornerstone, multiple degraded cornerstones, multiple Yellow inputs, or 1 Red input ¹ ; cornerstone objectives met with longstanding issues or significant reduction in safety margin	Overall unacceptable performance; plants not permitted to operate within this band, unacceptable margin to safety
Response	Regulatory Conference	Routine Senior Resident Inspector (SRI) interaction	Branch Chief (BC) or Division Director (DD) meet with Licensee	DD or Regional Administrator (RA) meet with Licensee	EDO (or Commission) meet with Senior Licensee Management	Commission meeting with Senior Licensee Management
	Licensee Action	Licensee Corrective Action	Licensee corrective action with NRC oversight	Licensee self assessment with NRC oversight	Licensee performance improvement plan with NRC oversight	
	NRC Inspection	Risk-informed baseline inspection program	Baseline and supplemental inspection 95001	Baseline and supplemental inspection 95002	Baseline and supplemental inspection 95003	
	Regulatory Actions	None	Document response to degrading area in assessment letter	Document response to degrading condition in assessment letter	10 CFR 2.204 DFI 10 CFR 50.54(f) letter CAL/Order	Order to modify, suspend, or revoke licensed activities
Communications	Assessment Report	BC or DD review / sign assessment report (w/ inspection plan)	DD review / sign assessment report (w/ inspection plan)	RA review / sign assessment report (w/ inspection plan)	RA review / sign assessment report (w/ inspection plan) Commission informed	
	Public Assessment Meeting	SRI or BC meet with Licensee	BC or DD meet with Licensee	RA discuss performance with Licensee	EDO (or Commission) discuss performance with Senior Licensee Management	Commission meeting with Senior Licensee Management
Increasing Safety Significance →						

¹ It is expected in a few limited situations that an inspection finding of this significance will be identified that is not indicative of overall licensee performance. The staff will consider treating these inspection findings as exceptions for the purpose of determining appropriate actions.



Results of Changes in Policy

- Fewer Notices of Violation.
- Fewer Civil Penalties.
- Fewer Violations with Severity Levels.
- Increased numbers of Noncited Violations.
- Common method of determining the significance of violations in most cases.
- Action matrix to determine NRC response.





EGM 99-006 Rev 1 “Implementation of the Interim Enforcement Policy for use during the Oversight Pilot Program”

- Interim Policy found in NUREG 1600 Nov. 9, 1999
 - Describes the Two Track Approach.
- Provides exceptions when a SDP “Green” finding would warrant an NOV
- Provides guidance for handling inaccurate PI data (10 CFR 50.9)
 - Minor violations for green issue that do not cross threshold.
 - Discretion for errors that result in crossed threshold.



Other Issues

- Initial implementation - Handling of 50.9 issues
- No crossed color threshold - minor violation
- Licensee identified and corrected prior to NRC use - No enforcement action
- Crossed thresholds - Discretion until 1/31/2001
- Green to White - SL IV (NCV)
- White to Yellow, Yellow to Red - SL III considered.